

as well as the computer industry. If we do not do this, I predict by this time next year our courts will be clogged with lawsuits. I do not believe that is the answer to the problem.

ORDER OF BUSINESS

Mr. LOTT. So that Senators will know how we would like to proceed for the next hour or so, we want to have a special order in honor of and tribute to one of the finest staff members I have ever known in the 26 years I have been in Congress, Adm. Bud Nance.

PRIVILEGE OF THE FLOOR

Mr. LOTT. I ask unanimous consent that during the tributes to Admiral Nance all staff of the Foreign Relations Committee be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is anticipated that following those tributes, some time might be spent hearing further from Senators expressing their concern at and disappointment about the vote against cloture on the motion to proceed to the Y2K issue. Then we will work with the Democratic leadership and the managers of the juvenile justice bill to see how we can proceed on that bill after the policy luncheon hour or two hours. Hopefully, we could have some wrap-up debate on amendments that were offered Friday and Monday, because some of those amendments were offered and some debate was heard but the other side was not heard on that particular amendment, and it could have been from either side of the aisle. So some additional time might be needed for that, and I was thinking of maybe a series of stacked votes.

We have some 13 amendments that are pending. Hopefully, we would not have to have a recorded vote on all of those, but whatever number would be required, and then see if we can work for a way to complete the juvenile justice bill in a reasonable period of time with a reasonable number of amendments on both sides, and then go tomorrow, hopefully, not later than noon, to the supplemental appropriations bill, assuming the House passes that this afternoon or tonight.

I think it would be irresponsible for us to delay any longer than is absolutely necessary to take up this legislation. It has been pending too long. It is supposed to be an emergency, supposed to deal with disasters in Central America, in Kansas and Oklahoma, as well as the defense needs in support of our men and women who are flying bombing raids right now over Kosovo. It would be my intent, as soon as we receive it from the House, to go to that legislation. It is still my hope that we can complete juvenile justice in a reasonable period of time.

Mr. HATCH. Mr. President, I am extremely disappointed in the failure of the Senate to invoke cloture. I believe that there exists strong bipartisan support for the bill and it is a shame that the bill may die for partisan reasons.

But the Democrats held firm on cloture. Sometimes party unity is a good thing, but in this case, it is a mistake.

The reason why it is a mistake is that the Y2K problem hurts America. What we face is the threat that an avalanche of Y2K-related lawsuits will be simultaneously filed on or about January 3, 2000 and that this unprecedented wave of litigation will overwhelm the computer industry's ability to correct the problem. Make no mistake about it, this super-litigation threat is real, and if it substantially interferes with the computer industry's ongoing Y2K repair efforts, the consequences for America could be disastrous.

Today we face the more immediate problem of frivolous litigation that seeks recovery even where there is little or no actual harm done. In that regard, I am aware of at least 25 Y2K-related class actions that are currently pending in courts across the country, with the threat of hundreds more to come.

It is precisely these types of Y2K-related lawsuits that pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

Let me talk about the potential financial magnitude of the Y2K litigation problem. The Gartner Group estimates that worldwide remediation costs will range between \$300 billion to \$600 billion. Other experts contend that overall litigation costs may total \$1 trillion. Even if we accept the lower amount, according to Y2K legal expert Jeff Jinnett, "this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation . . . and asbestos litigation." Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr. Jinnett's suggestion that a \$1 trillion estimate for Y2K-related litigation costs "would exceed even the estimated total annual direct and indirect costs of all civil litigation in the United States," which he says is \$300 billion per year.

These figures should give all of us pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Thus, it is imperative that Congress should give companies an incentive to

fix Y2K problems right away, knowing that if they do not make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market. This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one. This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

The Y2K problem presents a special case. Because of the great dependence of our economy, indeed of our whole society, on computerization, Y2K will impact almost every American in some way. But the problem and its associated harms will occur only once, all at approximately the same time, and will affect virtually every aspect of the economy, society, and government. What we must avoid is creating a litigious environment so severe that the computer industry's remediation efforts will slacken and retreat at the very moment when users and consumers need them to advance with all deliberate speed. What we must avoid is the crippling the high tech sector of our economy.

As chairman of the Federal Reserve Board Alan Greenspan recently noted, the tremendous growth of our economy is in large measure a result of productivity gains resulting from the computerization of our economy. America is unquestionably the high tech leader in the world today. Our technology is a major export item. Unless the Y2K bill is passed, the American high tech information industries and computer businesses will be swamped by an avalanche of lawsuits.

Mr. President, why kill the goose that lays the golden egg? Let the Senate vote on the underlying bill. Let the Senate vote on Democrat and Republican amendments. But let us vote on the merits of the bill. Leave politics aside. This issue is too important to be held hostage.

The excuse that the minority professed is that the Y2K should not be brought up until the Juvenile Justice bill is completed. How ironic. I have been working around the clock to work on a time agreements for amendments to the Juvenile Justice bill. The minority has been delaying the Juvenile Justice bill and uses the delay as an excuse to vote no on cloture petition on a motion to proceed to the Y2K bill. That's called chutzpa.

Look, a strong bipartisan substitute—a Dodd-McCain-Hatch-Feinstein-Gorton-Wyden-Bennett substitute—has been crafted. This substitute is carefully drafted to assure an appropriate balance between the rights of citizens to bring suits for compensation and the need to protect the high tech community from onerous and wasteful litigation. This is a fair resolution of differences between Democrats and Republicans. I hope—for the sake of our Nation—that the minority allows us to debate this provision.

UNANIMOUS CONSENT REQUEST—
S. 254

Mr. LOTT. So for the sake of discussions, I ask unanimous consent that the Senate now resume consideration of the juvenile justice bill, and there be 10 amendments in order per side to be selected from the amendments in order pursuant to the previous consent of May 14, and passage occur by 12 noon, Wednesday, May 19.

Mr. LEAHY. Reserving the right to object—and my distinguished friend from Mississippi discussed this with me before during the vote—and as I have told my friend from Mississippi and my friend from Utah, we are continuing to work to whittle down the number of amendments certainly on our side. As I had assured my friend from Utah over the weekend, I and my staff have spent a lot of time talking to Democratic Members, and we have cut out a number of amendments.

I do want to see this bill completed. I do want a good juvenile justice bill. Also, I want to get us on to Y2K, as the distinguished Democratic leader, Senator DASCHLE, said he is in favor of the Y2K bill. He is in favor of going immediately, after juvenile justice, to the Y2K bill.

The distinguished majority leader is absolutely right in what he said about the supplemental. I suspect—I have not talked with Senator STEVENS and Senator BYRD—that is going to go fairly rapidly.

We are going to have our caucus luncheons. The distinguished Senator from North Carolina wishes to begin a series of justly-deserved tributes to the admiral. I ask the distinguished leader if he would withdraw for now the unanimous consent agreement, let us work during our caucus luncheons with other Members to try to get this up so we can accommodate both the Republican and Democratic side, get amendments voted up or down, and get the bill voted up or down.

Mr. LOTT. Mr. President, based on that request and a full measure of trying to be reasonable and get an agreement to get this worked out and completed, because I think juvenile crime in this country is a very serious issue, for the Senate to not deal with it seriously and to complete action would be indefensible.

My problem, as the majority leader, is that we have the supplemental,

which is not going to be completed in 2 hours. This bill is going to take some discussion. I think it is a tragedy that we are not going to do the Y2K issue, but I am interested in getting a result. I think if we can get some cooperation, we can achieve that.

Keep in mind that we have had some 25 amendments, I believe, that have been offered and debated. This would call for 20 more. That is 45 amendments on a bill that has been in the making for 2 years. So I think my request is reasonable, and it is my third or fourth attempt to find some sort of time agreement.

I thought and was assured that we would work to complete this bill last Thursday. That didn't work out. And I understand. Sometimes the leadership on both sides of the aisle has goals we wish to achieve, but the rest of the troops don't necessarily follow and fall in line, so we can't quite fulfill that commitment. But the suggestion was made, well, we will have amendments Friday and Monday, and we would vote on a series of amendments Tuesday morning, final passage by noon. That was objected to. Then we said, how about 5, with more amendments after the stacked votes on Tuesday morning. That was objected to. Then I said 6. That was objected to.

Now I am saying, how about getting what we have standing, 20 more amendments, and complete it by noon on Wednesday so we can go to the supplemental. I think I am bending over backwards, not because I want more of the type of debate that I heard last week where Senators even object to a Senator amending their own amendment. I didn't realize that happened in the Senate. I was very disappointed with that action. But instead, we must come together and seriously try to deal with this problem.

I know there are Senators on both sides of the aisle who want to do that, and I am anxious to find a way to get it done and get it completed. I will withhold this request. I hope the managers will work through this, while we are having this very well-deserved tribute to Admiral Nance, and then after the luncheon hopefully we can wrap up some agreement.

Mr. LEAHY. If the distinguished leader will yield further, I will be very brief. In my 25 years here, I have seen majority leaders, distinguished majority leaders, both Republican and Democrat, try to whittle down bills in time, and usually when they propose time agreements, the number of amendments has expanded. In this case, I say the good news for the distinguished Senator from Mississippi is, each time he has done this, actually the numbers have dwindled, and dwindle and dwindle.

I suggest that perhaps the distinguished Senator from Utah and I continue our efforts and report to our respective leaders after the caucus where we stand.

I see the distinguished Senator from Utah on the floor. I know that he wants the floor, and so I will yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the majority leader and his patience and forbearance, because this bill is now in its sixth day. That is more than we give to most bills in the Senate, unless they are just hotly contested. This is one that should not be hotly contested. Everybody ought to be for this bill.

Mr. President, yesterday I read a quote from a recent New York Times editorial, and I would like to read it again, prior to the time for Senator HELMS.

This is from the New York Times editorial:

In the past it was not hard to be struck by the way time seemed to roll over a tragedy like a school shooting, by the disparity between the enduring grief of parents who lost children in places like Paducah and Jonesboro and the swift distraction of the rest of us. This time, perhaps, things may be different. The Littleton shootings have forced upon the nation a feeling that many parents know all too well—that of inhabiting the very culture they are trying to protect their children from. . . . The urge to do something about youth violence is very strong . . . but it will require an urge to do many things, and to do them with considerable ingenuity and dedication, before symptomatic violence of the kind that occurred in Littleton begins to seem truly improbable, not just as unlikely as the last shooting.

That was the New York Times, May 11, 1999. While I may not agree with the Times on everything, I doubt I could have described any better the task we have taken on. This issue is a complex problem and one which requires dedication, a spirit of cooperation, and an agreed upon set of objectives.

I believe that spirit of cooperation has been lacking somewhat as this is the sixth day we are on this bill and, as of this morning, my colleagues on the other side of the aisle still had over 25 amendments. Now, my friend from Vermont has indicated that he is working to try and get those cut down. I hope he is successful. I have spent several days urging Republicans not to offer their amendments—most have been agreeable—in the hopes that my colleagues on the other side would reciprocate. I spent the weekend here, and my staff was here working around the clock. We heard nothing from the other side during that time. Indeed, we were told by them that staff would not be coming in to meet with us at that time.

Now, perhaps they were trying to work on the Democrat amendments. Certainly, the distinguished Senator from Vermont says that is what he was doing. But frankly, we were prepared to work and cut these matters down and get this whole matter completed.

In fairness, we have been given some suggested changes to the underlying bill. We were given those suggestions late yesterday. I would be willing to accept a number of them if it meant we